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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 09/097,468 | 06/15/1998 | STEPHEN RICHARD HANSON | 5181-15900/P | 2968 |

7590 03/25/2002

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EXAMINER

ELISCA, PIERRE E

ART UNIT PAPER NUMBER

2161

DATE MAILED: 03/25/2002

#141

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 14

Application Number: 09/097,468

Filing Date: June 15, 1998

Appellant(s): Hanson et al.

B. Noel Kivlin
For Appellant

EXAMINER'S ANSWER

MAILED

MAR 25 2004

Technology Center 2100

Art Unit: 2161

This is in response to appellant's brief on appeal filed 04/19/2001.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.(11) ***Response to Argument***

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

Art Unit: 2161

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-26 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

| | | |
|-----------|------------------|---------|
| 5,864,653 | Tavallaei et al. | 01-1999 |
| 5,001,712 | Splett et al. | 03-1991 |

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-26 are rejected under 35 U.S.C. 103 (a). This rejection is set forth in prior Office action, Paper No. 7.

Art Unit: 2161

(11) Response to Argument

Applicant argues that neither Tavallaei nor Splett teach or suggest “testing device driver or testing device driver hardening”. However, the Examiner respectfully disagrees with the Applicant’s representative because Tavallaei discloses a system management central (SMC) that includes logic to monitor PCI cycles and to issue error signals in the event of a system error. The SMC also isolates failed components by masking request, grant and interrupt lines for the failed device see., Tavallaei, abstract, lines 5-14, col 3, lines 65-67, col 4, lines 1-12, col 5, lines 45-58, figs 1 and 2. Please note that the process of monitoring (monitoring or testing) PCI cycles and issuing error signals, grant and interrupt lines for the failed DEVICE is equivalent to Applicant’s claimed invention wherein it is stated that “testing device driver or testing device driver hardening”.

Art Unit: 2161

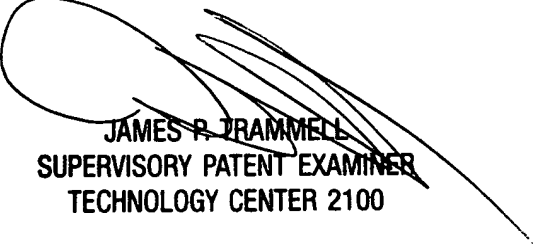
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

P.E. FP

MB (2184)
conferree

Pierre E. Elisca
March 20, 2002


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